

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY SIMPSON, individually and derivatively, as	:
managing member of JJ ARCH LLC, suing derivatively as:	:
managing member of ARCH REAL ESTATE	:
HOLDINGS LLC,	:
	:
Plaintiff,	:
	:
- against -	:
	:
JARED CHASSEN, FIRST REPUBLIC BANK	:
Defendants	:
-----X	

Case No.: 1:25-cv-02372 (LTS)

**NOTICE OF MOTION FOR
REMAND AND SANCTIONS**

PLEASE TAKE NOTICE that upon the declaration of Allen Schwartz, Esq. sworn to on April 4, 2025, and previously filed at ECF 11 in this proceeding, the annexed memorandum of law previously filed at ECF 10 in this proceeding, the joinders thereto filed at ECF 12, 14, 16, and 17 and upon all pleadings and proceedings had herein, Defendant Jared Chassen, Intervenor-Plaintiff 608941 NJ Inc, Nominal Defendant Arch Real Estate Holdings LLC, and Temporary Receiver Eric Huebscher in his capacity as Receiver (the “Moving Parties”) will move this Court, before the Honorable Laura Taylor Swain, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, New York, 10007 on a date and at a time to be designated by the Court, for an Order (1) pursuant to 28 U.S.C. § 1447, remanding this action to the New York County Supreme Court, Commercial Division for lack of federal subject matter jurisdiction and failure to comply with the requirements for removal mandated by 28 U.S.C. § 1446; (2) pursuant to 28 U.S.C. § 1447, and the Court’s inherent powers, imposing sanctions, including the imposition of costs and attorney’s fees, incurred as a result of this removal; (3) pursuant to the Court’s inherent powers, enjoining Simpson from any

further removal of this proceeding without the prior permission of this Court; and (4) granting such other and further relief this Court deems just and proper.¹

PLEASE TAKE FURTHER NOTICE that pursuant to S.D.N.Y Local Rule 6.1, and the Court's Individual Rules, unless otherwise directed by the Court, any opposing affidavits or answering memoranda must be served within fourteen (14) days of service of the moving papers, and any reply must be served within seven (7) days of service of any answering papers.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Individual Rule 2(b)(ii), the undersigned hereby certify that they have used their best efforts to resolve informally the matters raised in this motion, which efforts were unsuccessful.

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¹ This notice of motion is not intended to supersede the Proposed Order to Show Cause that Chassen filed on April 4, 2025, and in which Eric Huebscher, 608941 NJ Inc. and Arch Real Estate Holdings LLC joined. ECF 9 (Proposed Order to Show Cause), ECF Nos. 12, 14, 16 (Joinders). The Moving Parties still seek this relief via the Proposed Order to Show Cause so that this motion is heard on an expedited basis. This notice of motion is instead being filed out of an abundance of caution to ensure that the Moving Parties will be deemed to have formally moved for remand within 30 days of removal as required by 28 U.S.C. § 1447(c) even if that Proposed Order to Show Cause remains unsigned more than 30 days after the removal.

Dated: New York, New York
April 18, 2025

SCHWARTZ LAW PLLC

By: /s/ Allen Schwartz
Allen Schwartz, Esq.
150 Broadway, Suite 701
New York, New York 10038
Tel: 347-460-5379
allen@allenschwartzlaw.com

*Counsel for Defendant/Counterclaim
Plaintiff Jared Chassen*

HAYNES AND BOONE, LLP

By: /s/ Leslie C. Thorne
Leslie C. Thorne
Aishlinn Bottini
30 Rockefeller Plaza
26th Floor
New York, New York 10112
Telephone: (212) 835-4848
leslie.thorne@haynesboone.com

Counsel for 608941 NJ Inc.

OLSHAN FROME WOLOSKY LLP

By: /s/ Jonathan T. Koevary
Adam H. Friedman
Jonathan T. Koevary
1325 Avenue of the Americas
New York, NY 10019
212.451.2300
afriedmand@olshanlaw.com
jkoevary@olshanlaw.com

Counsel for Arch Real Estate Holdings LLC

FARRELL FRITZ P.C.

By: /s/ Martin G. Bunin
Martin G. Bunin
622 Third Avenue, 37th Floor
New York, New York 10017
Tel: (212) 687-1230
Fax: (646) 237-1810

*Proposed Counsel for Eric M. Huebscher, Not
Individually but Solely in His Capacity as Receiver*